

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-07 INR-07 LAB-04  
NSAE-00 SIL-01 AID-05 FRB-03 USIA-06 TRSE-00  
XMB-02 OPIC-03 SP-02 EPG-02 OMB-01 /054 W  
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FM AMEMBASSY SAN SALVADOR  
TO SECSTATE WASHDC 4496  
INFO AMEMBASSY MANAGUA  
AMEMBASSY GUATEMALA  
AMEMBASSY SAN JOSE  
AMEMBASSY TEGUCIGALPA  
AMEMBASSY PANAMA

LIMITED OFFICIAL USE SAN SALVADOR 2605

E.O. 11652: N/A

TAGS: ELAB, PINT, ES

SUBJECT: CONSTRUCTION WORKERS WIN 7-HOUR DAY

1. SUMMARY: DESPITE STRONG PRIVATE SECTOR OPPOSITION, THE NATIONAL ASSEMBLY (AT THE INITIATIVE OF PRESIDENT MOLINA) VOTED JUNE 1 TO REFORM THE LABOR CODE TO REQUIRE A 7-HOUR WORKDAY FOR CONSTRUCTION WORKERS. THE PASSAGE OF THE REFORM IS THE RESULT OF A FIVE YEAR EFFORT BY FELIPE ZALDIVAR, SECGEN OF S.U.TC.C. (SINDICATO UNION DE TRABAJADORES DE LA CONSTRUCCION).
2. A FIVE-YEAR LABOR CAMPAIGN TO WIN THE 7-HOUR DAY FOR CONSTRUCTION WORKERS ENDED ON JUNE 1 WHEN THE NATIONAL ASSEMBLY REFORMED THE LABOR CODE TO CLEARLY INCLUDE CONSTRUCTION JOBS UNDER THE PURVIEW OF "DANGEROUS" WORK, AND SUBJECT, AS A RESULT, TO THE 7-HOUR WORKDAY (39-HOUR WORKWEEK, INCLUDING THE SATURDAY HALF-DAY). THE 5-YEAR OLD CODE HAD LISTED CONSTRUCTION AS DANGEROUS WORK UNDER THE "WOMEN AND CHILD LABOR" SECTION, LEAVING ITS APPLICATION TO MALE WORKERS OPEN TO QUESTION.

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- THE ASSMEBLY ALSO REDEFINED SEVERAL OTHER JOBS AS "DANGEROUS," E.G., WORK IN MINES OR QUARRIES AND JOBS IN WHICH EXPLOSIVE OR TOXIC SUBSTANCES ARE MANUFACTURED OR USED. IN CASES WHERE DOUBT EXISTS AS TO WHETHER PARTICULAR WORK IS UNHEALTHY OR DANGEROUS, A DIVISION WITHIN THE MINISTRY OF LABOR IS NOW EMPOWERED TO MAKE A RULING.
3. ANY CONTRACTOR WHO WISHES TO CONTINUE WITH THE STANDARD

8-HOUR DAY (44-HOUR WORKWEEK) HAS THE OPTION OF APPEALING TO THE MINISTRY OF LABOR FOR AN EXCEPTION, BASED ON A MINISTRY INSPECTION OF THE SAFETY PRECAUTIONS FOR WORKERS AT HIS WORKSITE. IT IS NOT KNOWN IF THE MINISTRY WILL APPLY STRINGENT STANDARDS OF WORKSITE SAFETY AND INSPECTORS MAY BE CORRUPTIBLE. THE MINISTER OF LABOR STATED THAT WORKER COMPLAINTS OF UNSAFE CONDITIONS WILL SUFFICE TO TRIGGER AN INSPECTION (OR REINSPECTION) UNDER THE LAW.

4. IN THE SHORT RUN, THE REFORM WILL CONSTITUTE A PAY INCREASE FOR CONSTRUCTION WORKERS OF FROM 14 TO 28 PERCENT (ASSUMING MINISTRY OF LABOR INSPECTIONS ARE NOT OVERLY LENIENT) DEPENDING ON HOW CONSTRUCTION FIRMS REACT. WITH THE CURRENT PUSH FOR COMPLETION OF GOVERNMENT BUILDINGS BEFORE PRESIDENT MOLINA LEAVES OFFICE, THE CHANCES ARE GOOD THAT THE 8-HOUR DAY FOR CONSTRUCTION WORKERS WILL CONTINUE, WITH DOUBLE PAY EARNED FOR THE EIGHTH HOUR, WHICH WOULD REPRESENT THE MAXIMUM 28 PERCENT SALARY INCREASE. CONTRACTORS WHO NEGLECTED TO MAKE PROVISION FOR INCREASED SALARY COSTS IN THEIR INITIAL BIDS WILL PROBABLY HAVE TO ABSORB THE ADDITIONAL COSTS. OVER THE LONGER RUN BUILDING COSTS, ALREADY INFLATING RAPIDLY, WILL INCREASE FURTHER AND EMPLOYMENT IN THE CONSTRUCTION INDUSTRY MAY DECLINE. ANOTHER LIKELY SHORT-TERM RESULT MAY BE THAT A FEW OF THE SMALLER CONSTRUCTION FIRMS, WHICH OPERATE CLOSER TO THE MARGIN, WILL CEASE TO EXIST. THE REFORM IS VERY LIKELY A HARBINGER OF THE 40-HOUR WORKWEEK TO EL SALVADOR, AND IT IS EXPECTED THAT AN INCREASING NUMBER OF WORKERS WILL BE PUSHING FOR A SHORTER WORKWEEK, IF NOT A SHORTER WORKDAY. FOR THE MAJORITY OF WORKERS, THE CUTTING OF THE WORKWEEK IS LIKELY TO BE ACHIEVED BY DROPPING THE STANDARD HALF-DAY ON SATURDAY.

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5. THE PASSAGE OF THE REFORM IS A CONSIDERABLE ACHIEVEMENT FOR FELIPE ZALDIVAR, SECRETARY GENERAL OF THE SUTC. THE SUTC IS THE BACKBONE OF THE 25,000 STRONG FEDERACION DE SINDICATOS DE LA CONSTRUCCION, SIMILARES, TRANSPORTES Y DE OTRAS ACTIVIDADES (FESINCONSTRANS), A DEMOCRATICALLY ORIENTED LABOR FEDERATION WHICH CLAIMS MORE THAN HALF OF THE ORGANIZED WORKERS IN EL SALVADOR, A COUNTRY IN WHICH 8 PERCENT OF THE URBAN LABOR FORCE IS ORGANIZED. ZALDIVAR HAS BATTLED ALONE WITH HIS UNION FOR THIS REFORM, UNDER CRITICISM IN SOME CASES BY CONSTRUCTION UNIONS AFFILIATED WITH OTHER FEDERATIONS. THE REFORM WAS ACHIEVED WITHOUT CALLING A STRIKE BUT IN THE FACE OF CONSIDERABLE PUBLISHED OPPOSITION BY CONSTRUCTION INDUSTRY DURING PAST FEW WEEKS.

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## Message Attributes

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